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10 and BANK OF AMERICA CORPORATION

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18 Attorneys for Plaintiff
19 JOHN EMERSON

20 UNITED STATES DISTRICT COURT
21
22 NORTHERN DISTRICT OF CALIFORNIA

23 JOHN EMERSON,

24 Plaintiff,

25 vs.

26 AETNA INC., a California corporation,
27 AETNA HEALTH OF CALIFORNIA,
28 INC., a California corporation, BANK OF
AMERICA CORPORATION dba BANK
OF AMERICA CORPORATION, a
Delaware corporation, dba BANK OF
AMERICA, BANK OF AMERICA
PERSONNEL SERVICE CENTER, and
DOES 1-20, inclusive.

Defendants.

Case No. CV 10-04919 JF

**~~PROPOSED~~ ORDER GRANTING
PLAINTIFF LEAVE TO FILE A SECOND
AMENDED COMPLAINT AND
WITHDRAWAL OF DEFENDANTS'
MOTION TO DISMISS FIRST AMENDED
COMPLAINT AND CONTINUING THE
CASE MANAGEMENT CONFERENCE**

PURSUANT TO STIPULATION, IT IS ORDERED that:

1. Plaintiff John Emerson ("Plaintiff") shall file a Second Amended Complaint on or before Friday, March 11, 2010;
2. Defendants shall file their responsive pleading by Friday, April 15, 2011;
3. Defendants Aetna, Inc., Aetna Health of California, Inc. and Bank of America Corporation's Motion to Dismiss the First Amended Complaint is hereby withdrawn, and the April 22, 2011 hearing date is vacated;
4. The Case Management Conference currently scheduled for March 4, 2011 at 10:30 a.m. is hereby continued to April 29, 2011 at 10:30 a.m.

Dated: March 3, 2011

By: 
HON. JEREMY FOGEL
UNITED STATES DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I certify that a copy of this document was served electronically on March 3, 2011 on counsel of record in compliance with Federal Rule 5, Local Rule 5.6 and General Order 45, by use of the Court's ECF system.

/s/ Rebecca K. Kimura
REBECCA K. KIMURA